

## PLANNING COMMITTEE – 23 May 2024

**24/0187/FUL – Demolition of existing dwelling and construction of two storey detached dwelling with basement level and accommodation in the roofspace served by side rooflights with associated parking and landscaping works at 2 BROOKDENE AVENUE, OXHEY HALL, WATFORD, HERTFORDSHIRE, WD19 4LF.**

Parish: Watford Rural Parish Council  
Expiry of Statutory Period: 23.05.24  
Extension agreed to 28.05.24

Ward: Oxhey Hall and Hayling.  
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be refused.

Reason for consideration by the Committee: The application has been called in by 3 members of the planning committee in order to discuss the impact of the development on parking, highway safety and character.

To view all documents forming part of this application please go to the following website:

[24/0187/FUL | Demolition of existing dwelling and construction of two storey detached dwelling with basement level and accommodation in the roofspace served by side rooflights with associated parking and landscaping works. | 2 Brookdene Avenue Oxhey Hall Watford Hertfordshire WD19 4LF \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0187/FUL-Demolition-of-existing-dwelling-and-construction-of-two-storey-detached-dwelling-with-basement-level-and-accommodation-in-the-roofspace-served-by-side-rooflights-with-associated-parking-and-landscaping-works-2-Brookdene-Avenue-Oxhey-Hall-Watford-Hertfordshire-WD19-4LF)

### 1 Relevant Planning

- 1.1 03/1265/FUL - Part two, single storey rear extension – Permitted.
- 1.2 08/1782/FUL - Renewal of planning permission 03/1265/FUL: First floor, two storey and single storey rear extensions – Permitted.
- 1.3 22/1948/PDE - Prior Approval: Single storey rear extension (depth 8 metres, maximum height 3 metres, maximum eaves height 2.87 metres) – Refused for the following reason:

*The proposed single storey rear extension would directly adjoin and be physically attached to an existing single storey side extension as well as an existing two storey rear extension. Consequently the proposed extension exceeds the limitations of Classes A.1 (g)(ii), (h)(i), (i), (j)(i), (j)(ii), (j)(iii) and (ja) as the total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j). Consequently planning permission is required and Prior Approval cannot be given for the extension.*

### 2 Description of Application Site

- 2.1 The application site is roughly rectangular in shape and is located on the southern side of Brookdene Avenue, Oxhey Hall. The application site contains a detached two storey dwelling finished in a white painted rough render. The existing dwelling has a two storey front bay projection, front porch, single storey side projection and has undertaken part single, part two storey rear extensions.
- 2.2 Land levels slope upwards slightly towards the rear of the site. To the rear of the existing dwelling is a patio with the majority of the garden laid as lawn. To the front is a block paved driveway.
- 2.3 The neighbour at No.4 to the east is a detached two storey dwelling built of a similar scale and architectural style to the application dwelling. This neighbour is sited at a slightly higher land level. They have existing part single, part two storey rear projections which extend roughly in line with the application dwelling.

- 2.4 The neighbouring properties to the west along Hampermill Lane are orientated at right angles to the application site such that their rear gardens adjoin the flank boundary of the application site.

### **3 Description of Proposed Development**

- 3.1 This application seeks full planning permission for the demolition of the existing dwelling and construction of two storey detached dwelling with basement level and accommodation in the roofspace served by side rooflights with associated parking and landscaping works.
- 3.2 The existing dwelling would be demolished to facilitate the construction of a new two storey (plus basement and loft accommodation) detached dwelling.
- 3.3 The proposed new dwelling would have a maximum depth of 13.5m at two storey level and 22.6m at ground floor level. It would have a width of 7.7m. To the rear the single storey projection would have a depth of 8m and to the front the 13.5m two storey depth includes a two storey front projection with a depth of 1.3m closest to the western boundary. The proposed new dwelling would be sited 0.5m from the eastern flank boundary and 1.2m from the western flank boundary. An open canopy porch projection is also proposed which would have a depth of 0.7m and would extend across the two storey front projection. It would have a height of 2.9m. The proposed dwelling would have a pitched roof with ridge running front to back with a length of 12.6m and front and rear gables. It would have an overall height of 8.5m and an eaves height of 5.2m. The proposed single storey rear projection would have a flat roof with a height of 2.8m. The proposed two storey front projection would be set down 1.4m from the main ridge.
- 3.4 A lower ground floor basement is also proposed which would sit beneath the footprint of the ground floor. It would be 2.6m below ground level. External access would be created to the rear to the patio with glass above to provide light to the lower ground floor level. A 1.4m deep section of walkway would be created across the width of the basement to the rear to allow access out to the steps. A void (lightwell) would also be created to the front within the 'L' shape of the front elevation which would be enclosed by glass balustrading which would have a height of 1m.
- 3.5 Loft accommodation is also proposed which would be served by a second floor window in the rear gable and 3 flank rooflights.
- 3.6 The proposed dwelling would be finished in white painted render with dark grey slate effect roof tiles and grey framed aluminium double glazed windows.
- 3.7 The plans submitted indicate that the existing block paving would be retained to the frontage to provide on site parking for 2 cars and to the rear a patio would be created stepping up to the existing rear lawn.

### **4 Consultation**

#### **4.1 Statutory Consultation**

- 4.1.1 National Grid: [No response received]
- 4.1.2 Watford Rural Parish Council: [No response received]

#### **4.2 Public/Neighbour Consultation**

- 4.2.1 Neighbours consulted: 13.
- 4.2.2 Responses received: 6 objections (including one from a local residents association).
- 4.2.3 Summary of objections:

Loss of privacy.  
Overlooking.  
Adverse impact on well being/enjoyment of home.  
Flank window should be obscure glazed/top level opening.  
Unacceptable impact on character.  
Less than 1.2m from the boundary contrary to Appendix 2.  
Basement too close to protected tree.  
Structural concerns from excavation.  
Dust from construction.  
Concerns regarding highway safety from construction vehicles.  
Construction Management Plan should be required by condition.  
Overdevelopment.  
Flood risk from basement.

Officer comment: Structural damage from works is not a material planning consideration. This would be a civil matter. All other material considerations raised will be addressed in the analysis section below.

4.2.4 Site Notice: Expired 30.04.2024.

4.2.5 Press Notice: Not required

## **5 Reason for Delay**

5.1 Not applicable.

## **6 Relevant Planning Policy, Guidance and Legislation**

6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

### **6.2 National Planning Policy Framework and National Planning Practice Guidance**

In 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### **6.3 The Three Rivers Local Plan**

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development

Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM13 and Appendices 2 and 5.

#### 6.4 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

### **7 Planning Analysis**

#### 7.1 Impact on the character and appearance of the host dwelling and the locality

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.1.2 The application site is not within a Conservation Area nor is the existing dwelling a designated or non designated heritage asset. As such the principle of its demolition is not objected to.
- 7.1.3 Whilst this application includes a replacement dwelling rather than extensions some of the relevant guidance in Appendix 2 is considered a useful tool in the assessment of impact in this respect.
- 7.1.4 Appendix 2 of the DMP LDD outlines that increases in ridge height will be assessed on their own merits but are unlikely to be supported where there is uniformity in the style, height and appearance in the streetscene.
- 7.1.5 The indicative streetscene which accompanies the application shows that the new dwelling would have a ridge height 0.8m higher than the neighbour at No.4. As existing the ridge heights of the application dwelling and this neighbour are roughly in line. Brookdene Avenue does not have uniformity in the height, style or appearance of ridges and the siting of the application site at the end of the street with no immediate neighbour to the east is also noted. Furthermore the difference in ridges between the neighbour at No.4 and that at No.6 would be roughly comparable to the new relationship between No.4 and the new dwelling. Thus an increase in ridge height or replacement dwelling with a higher ridge may not be, in isolation, harmful, however in this case adds to the cumulative unacceptable impact of the dwelling as is discussed further below.

- 7.1.6 Appendix 2 of the DMP LDD outlines that development should maintain a flank to boundary spacing of 1.2m at first floor level. An absolute minimum of 1m may be considered in areas of higher density.
- 7.1.7 The proposed new dwelling would be set in 1.2m from the eastern boundary but only 0.5m from the western boundary with No. 4. The proposed dwelling would therefore fail to achieve even the minimum spacing required. It is noted that the existing first floor flank achieves ample spacing and therefore this cannot be used as justification.
- 7.1.8 The proposed dwelling by virtue of its width and resultant lack of spacing to the western flank boundary would fail to sit comfortably within plot. The overall cramped nature of the proposed new dwelling is further exacerbated by the height of the new dwelling which would lead to undue visual emphasis. The resultant front gable feature would have some visual interest from the two storey bay feature however the dominant and predominantly unarticulated main front elevation would give rise to an unduly prominent and incongruous form of development within the streetscene. It is noted that the proposed new dwelling would have a comparable depth at two storey level to the existing dwelling however would be higher and wider therefore resulting in an increased bulk and massing of the flanks. Whilst the proposed first floor depth may be comparable to the existing dwelling, the introduction of front and rear gables, at an elevated height significantly increases the upper mass and bulk at roof level. There is existing screening to the eastern side of the site which limits some views of this side of the dwelling from public vantage points however vegetation cannot be relied upon for screening and in any event would not mitigate the unduly prominent and incongruous appearance of the new dwelling. Direct views would be had of the proposed dwelling from the frontage and to the western side of the site where there is a significant amount of spacing due to the site's position as the first on this side of the road. The excessive depth would be visually prominent and would fail to respect the character of the area.
- 7.1.9 Appendix 2 of the Development Management Policies outlines that single storey rear extensions should not generally exceed 4m in depth to detached dwellings. The proposed single storey rear projection would have a depth of 8m from the proposed two storey rear elevation. Whilst the flat roofed nature of this element is noted as is the siting set in from the boundary, the resultant overall ground floor footprint would be excessively deep in relation to the existing dwelling and the immediate locality. Whilst there are examples of single storey rear projections in the area, given that the proposed projection would be twice as deep as the guidance of Appendix 2 this is further indicative of the excessive scale of the proposed new dwelling.
- 7.1.10 There is variety within the streetscene of Brookdene Avenue in terms of the design of dwellings and evidence of extensions. However each site must be assessed on its own individual merits and it is not considered that there are any examples evident in the locality which would justify the unacceptable nature of the proposed new dwelling in this case.
- 7.1.11 The proposed basement would be fully subterranean and with the exception of the glass balustrading to the front and steps to the rear would not be readily apparent. It is not considered that the glass balustrading owing to its siting and modest height of 1m would appear as an incongruous or unduly prominent feature within the streetscene. Therefore it is not considered that the proposed basement would, in itself, be harmful.
- 7.1.12 The proposed new dwelling would include flank rooflights which would be visible from some public vantage points. However it is not considered that these features would appear incongruous additions to the streetscene where other rooflights are evident and would not be excessive in their scale or number.
- 7.1.13 The proposed landscaping arrangements would reflect those which currently exist and the character of the wider locality. The existing block paving would be retained to the front albeit of a slightly reduced area.

- 7.1.14 By virtue of its overall scale, width, depth, height and design incorporating front and rear gables, together with its proximity to the eastern flank boundary, the proposed dwelling would appear as a cramped and unduly prominent addition within the streetscene, resulting in demonstrable harm to the character and appearance of the street scene and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).
- 7.2 Impact on amenity of neighbours
- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 Whilst this application seeks to replace the existing dwelling rather than extend it the guidance of Appendix 2 is still considered a useful tool in assessing the impact of the new dwelling on neighbouring amenity.
- 7.2.3 Appendix 2 of the DMP LDD outlines that two storey rear and side extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and positions of windows and development on neighbouring properties.
- 7.2.4 When taken from the point on the boundary level with the two storey rear projection of No.4 the proposed new dwelling would not intrude a 45 degree splay line. It is also noted that the proposed dwelling would have a two storey flank closer to the shared boundary than that which exists (by approx. 1.8m). Nevertheless the proposed flank would be set in 0.5m from the boundary and the two storey section of the proposed new dwelling would not extend beyond the two storey elevations of this neighbour. Given this in addition to the roof form of the new dwelling pitching away from the boundary it is not considered that the two storey section of the new dwelling would give rise to an unacceptable impact by virtue of an overbearing impact or loss of light.
- 7.2.5 Appendix 2 of the DMP LDD outlines that single storey rear extensions to detached properties should not generally exceed a depth of 4m. The main two storey rear elevation of the neighbour at No.4 extends roughly in line with that of the application dwelling. They also have a single storey rear projection. The proposed single storey rear element of the new dwelling would have an overall depth of 8m however would extend approximately 4.7m beyond the rear elevation of the neighbour. When applying the guidance of Appendix 2 from the rear extension of this neighbour the proposed single storey element would exceed the guidance by approximately 0.7m. However given that it would be set slightly in from the boundary (by 0.5m) and would have a modest flat roof form it is not considered that overall this element would result in an unacceptable overbearing impact or loss of light to this neighbour so as to result in demonstrable harm to the amenity of this neighbour.
- 7.2.6 The neighbouring properties along Hampermill Lane are orientated such that their rear gardens adjoin the western flank boundary of the application site. It is acknowledged that the proposed new dwelling would be, overall, of a greater scale than that which currently exists. However these neighbours have rear gardens approx. 30m in length and the proposed dwelling would be set in 1.2m from the boundary to this side. Whilst the proposed dwelling would be visible to these neighbours, given the separation distances it is not considered that it would result in harm to their amenity by virtue of an overbearing impact or loss of light.

- 7.2.7 The proposed basement would be fully subterranean with the exception of glass balustrading to the front elevation to enclose the lower ground floor void and the staircase up to the garden level. In light of this it is not considered that the proposed basement would result in harm to neighbouring amenity.
- 7.2.8 Some additional views could be afforded to neighbouring gardens from the second floor rear window. However these would be angled towards their rearmost part of their gardens as opposed to direct views towards windows or patio areas. Furthermore it is not considered that the proposed development would result in views which would comprise unacceptable overlooking when compared with those which could be had from the existing first floor windows.
- 7.2.9 In the event of a recommendation for approval the proposed first floor flank windows would be conditioned to be obscure glazed and top level opening only and the flank rooflights conditioned to have a cill height of above 1.7m in order to prevent actual or perceived overlooking.
- 7.2.10 In summary, subject to conditions, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application in this regard and the development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

### 7.3 Highways & Parking

- 7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.4 Appendix 5 outlines that dwellings with four or more bedrooms should provide 3 on-site parking spaces.
- 7.5 The existing dwelling has 4 bedrooms and provides two off street car parking spaces, a shortfall of one. Following the proposed development the site frontage would retain 2 parking spaces and as such would still have an overall parking shortfall of one parking space.
- 7.6 Given that there would be no change over the existing site circumstances either in terms of the level of parking required (based on Appendix 5 standard) or the shortfall (1 space in both the case of existing and proposed) it is not considered that the proposal would result in demonstrable harm in this regard.

### 7.7 Rear Garden Amenity Space

- 7.7.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.7.2 Appendix 2 requires 126sqm to be provided for a 5 bedroom dwelling. The application site would retain approx. 340sqm of amenity space and as such would comply with Appendix 2 in this respect.

### 7.8 Trees & Landscape

- 7.8.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.8.2 There is protected tree (TPO 281 Weeping Willow) within the neighbouring garden to the east along Hampermill Lane (No.21). However it is set off the boundary with the application site into the garden of the neighbour. Owing to the separation distances it is not considered that the proposed new dwelling or basement would result in undue direct root severance to adversely impact the long term or short term health of the tree. Furthermore the siting of the canopy is such that felling or lopping would not be required to facilitate the proposed development.

## 7.9 Biodiversity

7.9.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. Given that the proposed development includes work affecting the roofspace an informative will be added to ensure the applicant is mindful of the action to take should bats be discovered.

## 8 **Recommendation**

8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

**R1** By virtue of its overall scale, width, depth, height and design incorporating front and rear gables, together with its proximity to the eastern flank boundary, the proposed dwelling would appear as a cramped and unduly prominent addition within the streetscene, resulting in demonstrable harm to the character and appearance of the street scene and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

8.2 Informatives

I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.